

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Registration & Stamps Department – Certain allegations against Sri D.R.S.Babu, former Sub Registrar, Parkal, Warangal District (now retired) - Disciplinary Proceedings under Rule 9 of A.P.R.P. Rules, 1980 – To impose a penalty of withholding 18% in pension permanently – Final orders – Issued.

REVENUE (VIG.VI) DEPARTMENT

G.O.Rt.No. 801

Dated:21.05.2012.

Read the following:-

- 1) From the DIG, R&S, Warangal, Procdgs.No.S/129/2010, dated: 28.01.2010.
- 2) From Sri D.R.S.Babu, Sub Registrar (Retd.), written statement of defence, dated: 19.02.2010.
- 3) Procdgs.No.3/129/2010, Dt.26.04.2010 of DIG RS, Warangal.
- 4) From the D.R (MV&A), Warangal & REO, Lr.No.2/2010, dated: 30.10.2010.
- 5) From Sri D.R.S.Babu, Sub Registrar (Retd.), Representation dated: 25.11.2010.
- 6) From the DIG, R&S, Warangal, Lr.No.S/129/2010, dated: 18.01.2011.
- 7) From the C & I.G., R & S, A.P., Hyderabad, Lr.No.X3/1649/2010, dated: 17.03.2010.
- 8) Govt. Memo.No.11397/Vig.VI (1)/2011, dated: 29.07.2011.
- 9) Representation of Sri D.R.S.Babu, former Sub Registrar, Parkal, Warangal District (now retired) dated: 15.11.2011.
- 10) Govt. Memo.No.11397/Vig.VI (1)/2011, dated: 29.07.2011.
- 11) From the Seceretary, APPSC, Hyd., Lr.No.871/RT/2/2012, Dt.10.05.2012

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ORDER:

Whereas it has been brought to the notice of the Government that the following charge was framed by the Deputy Inspector General, Registration & Stamps Department, Warangal against Sri D.R.S.Babu, former Sub Registrar, Parkal, Warangal District (now retired) vide reference 1st read above:-

CHARGE:

"That you Sri D.R.S.Babu, while working as Sub Registrar, Parkal, Warangal District, while functioning as Sub Registrar at S.R.O., Kallur in Khammam, (02) documents (list of Doc.No's shown below) at above S.R.O., without adopting value guidelines, improper scrutiny of documents and not classifying the documents properly caused huge loss of revenue to the Government during the course of Local Audit Inspection made by the AG (C&RA) conducted during the period of 2004-05 & 2005-06."

Sl. No.	Name of the S.R.O	Doc. No.	Deficit stamp duty	DRF	Total loss
1	Kallur	161/06	2,49,950/-	-	2,49,950/-
2		630/05	34,125/-	17,061/-	51,186/-
	Total		2,84,075/-	17,061/-	3,01,136/-

"Thus, Sri D.R.S.Babu, former Sub Registrar, Kallur by the above mentioned Act, exhibited lack of integrity devotion to duty and conduct and unbecoming of a Government servant and thereby contravened Rule 3(1) & (2) Andhra Pradesh Civil Services (Conduct) Rules, 1964."

2. In reply to the above charges, the Accused Officer submitted his Written Statement of Defence in the reference 2nd read above. After examination of the written Statement of defence submitted by the Charged Officer, a regular inquiry was ordered by appointing the District Registrar (MV&A), Warangal as Regular Enquiry Officer to inquire into the charge in the reference 3rd read above. The Regular Enquiry Officer has submitted his findings, holding the charge as proved in the reference 4th read above.

3. The Regular Enquiry Officer's report was communicated to the Accused Officer and the Accused Officer submitted his representation in the reference 5th read above and stated that the AG's Audit Party conducted audit on 3rd & 5th October, 2010 when he was on sick leave and he was intimated about the conduct of Audit. So, the Audit was ex-party as normally the Audit is conducted in the presence of concerned official party. That as per village basic register, the market value of the land in question is Rs.2,40,000/- per acre and Grama Kantam site rate is Rs.100/- per Sq.Yd. The party have voluntarily adopted Rs.200/- per Sq.Yd. in the document. But the AG's Audit party adopted Rs.800/- per Sq.Yd. against the value recorded in basic register. That the Tahsilar, Kallur has given a certificate certifying that the property in question is purely agricultural land. The Accused Officer has finally requested the Government to drop further action in the matter.

4. On the above representation of the Charged Officer, the Deputy Inspector General, Registration & Stamps Department, Warangal has reported in the reference 6th read above that the Charged Officer has agreed the loss earlier, but later, he has brought the certificate from Tahsildar after initiating disciplinary proceedings with an intention to vitiate the disciplinary proceedings. On receipt of the Regular Enquiry Officer report and keeping in view of the Retirement form the Service, the Deputy Inspector General, Registration & Stamps Department, Warangal has sent the proposal through Commissioner and Inspector General for taking further action in the matter under Andhra Pradesh Revised Pension Rules, 1980.

5. Government after examining the matter in detail, have agreed with the proposal of the Deputy Inspector General, Registration & Stamps Department, Warangal and provisionally decided to impose a penalty of withholding of 18% in pension permanently against Sri D.R.S.Babu, Sub Registrar (Retired) under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 and issued a show cause notice to Charged Officer as to why a penalty of withholding of 18% in pension permanently should not be imposed on him vide reference 8th read above. On receipt of the Show Cause Notice, Sri D.R.S.Babu, Sub Registrar (Retired) has submitted his explanation vide reference 9th read above.

6. Government have carefully examined the explanation of the Charged Officer. It is observed that the land admitted in the document in 630/05 is earmarked for house sties in the Urban Basic Register (UBR). Once the property entered in the UBR it must be registered on square yard basis and should not registered on acreage basis. Even if he is unable to fix the market value the Charged Officers should have referred the matter to the District Registrar either under Section 47A or sought a clarification regarding adoption of market value for collecting stamp duly. This act shows the negligence of the Charged Officer with regard to application of Market Values and there by causing loss of revenue to the State exchequer. Hence the findings of the audit party is in consonance with rules in force. Therefore the audit party has rightly pointed out the loss of revenue in the matter and the contention of the Accused Officer is not correct. Further with regards to document no 161/2006, the Charged Officer in his representation has not given any suitable reply as to why he has not followed the Article 41 (b) of the Act of 19 of 2005 which came in to force with effect from 01.07.2005, where in stamp duty is leviable @5 % on the market value of the property, where any partner/s are going out of the firm and on reconstitution of the same. Therefore the contention of the charged officer is not acceptable and therefore charges are held proved.

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7. Government accordingly have finally decided to impose a penalty of withholding of 18% in pension permanently on Sri D.R.S.Babu, former Sub Registrar, Parkal, Warangal District (now retired) as the Charged Officer's explanation is not convincing. Accordingly, it is hereby ordered to impose a penalty of withholding of 18% in pension permanently on Sri D.R.S.Babu, former Sub Registrar, Parkal, Warangal District (now retired) for the above wrongful action by him. A copy of the advisory letter of Andhra Pradesh Public Service Commission 11th read above is herewith communicated as required under Rule 23 of Andhra Pradesh Civil Services (CC&A) Rules.

8. The Commissioner and Inspector General, Registration and Stamps Department, A.P., Hyderabad is requested to take necessary further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRPRADESH)

**M.SAHOO
PRINCIPAL SECRETARY TO GOVERNMENT**

To:

Sri D.R.S.Babu, former Sub Registrar, Parkal, Warangal District (now retired)
(through DIG, R&S, Warangal) (w.e)

The Commissioner and Inspector General,
Registration & Stamps Department, Registration Bhavan, M.J. Market,
Nizam Saheb Road, Nampally, Hyderabad.

The Deputy Inspector General,
Registration & Stamps Department, Warangal,
at House No.2-725/1-3, Sridhar Complex, Circuit House Road,
KLN Reddy Colony, HANUMAKONDA, WARANGAL-506 010.

(with a direction to serve the order to the A.O)

Copy to:

- 1.** The Secretary to Vigilance Commissioner,
A.P. Vigilance Commission, Hyderabad.
- 2.** The Accountant General, A.P., Hyderabad.
- 3.** The Secretary,
Andhra Pradesh Public Service Commission, Hyderabad.
- 4.** P.S to the Principal Secretary to Government (R & S).
- 5.** SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER